

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT ARKANSAS

JUL 05 2017

JAMES W. MCFORMACK, CLERK
By: *[Signature]* DEP CLERK

ARTHUR CARSON,

PLAINTIFF,

VS.

JANICE TUNE MANAGER EASTVIEW-

TERRACE APT; INDEPENDENT MANAGEMENT SERVICES,

DEFENDANTS.

4:17cv432-bsm

COMPLAINT FOR DECLARATORY/INJUNCTIVE RELIEF

WITH JURY DEMAND

This case assigned to District Judge Miller
and to Magistrate Judge Dunn

PRELIMINARY STATEMENT:

Comes now the Plaintiff, Arthur Carson, and brings this Action pursuant to Title VII, 42 U.S.C.-3601 of the Civil Rights and Fair Housing Act; 15 U.S.C. 1681 "Fair Credit Reporting Act"; 12 U.S.C.-1701q, sec. 202 "Supportive Housing for the Elderly", and Sec. 504 of the Rehabilitation Act, 29 U.S.C. 701; 28 U.S.C. 1332 "Diversity of Citizenship Statutes".

PARTIES:

- 1). Plaintiff, Arthur Carson, 6200 Colonel Glenn Rd. #219, Little Rock, AR 72204,(501-2403437- Phone);
- 2). Defendant, Janice Tune, Manager Eastview Terrace Apartments, 1200 Geyer St. Little Rock, AR 72202;
- 3). Defendant, Independent Management Services, 14381 North RD. / P.O. Box 584, Fenton, MI 48430.

(1)



STATEMENT OF CLAIMS:

1). On May 31, 2017, Plaintiff, Hereinafter "Carson", a 63 Year old Disabled Senior, with His Co-Applicant, Jewellean Moore, applied for Low Income Housing for the Elderly at the Eastview Terrace Apartments, whom Contracts with HUD, and has More than 100 Units there that are section 8 or other Sub-programs for subsidized housing with HUD.

The Manager, Janice Tune, was rude, and would not allow a viewing of the Vacant two bedroom Apartment applied for, nor was the Manager capable of Communicative skills or choose not to discuss The process with Carson and His Family. The Defendants whimsical practices, and lack of Communication has a disparate impact on Senior Applicants, in addition to the fact no advance written tenant Selection criteria was given except that a five Year Rental History was required, which Carson and His Co-applicant met this criteria.

On June 06, 2017, Carson received via mail, an adverse letter denying the application based on "A False Utility debt from Arkansas Power & Light", and "Centerpoint Energy", which was claimed Taken from Carson Credit History. Carson has nothing in His Credit history from Arkansas Power & Light, this was an inaccurate portrayal.

2). HUD Contractors are required to provide any credit selection criteria in advance, (24 CFR 960.203(c)-
(3). The Defendants failed to provide a brief statement of the reasons for the decision; or allow Opportunity for an informal Review of the decision, (24 CFR 982.554). Section 8 and its sub programs Are governed by 42 U.S.C. 1437f.

Carson seeks a declaration that Defendants termination of Elderly supportive Housing violates Substantive provisions of 24 CFR 982.552 and the due process requirements of 24 CFR 982.555, And the due process clause of the Fourteenth Amendment of the U.S. Constitution.

Where the Defendants terminated the Application process for Supportive Housing for Carson, And Family, whom are Disabled Seniors that otherwise qualify, (12 U.S.C. 1701q, Sec. 202). Carson's Right under Sec. 202 Housing Entitlement Program were ignored by Defendants, despite Their Contractual Obligations to HUD.

3). The Defendants did not allow mitigating evidence pertaining to their denial; nor was Carson's Previous rental History, and timely payments a factor; Carson's ability to perform the obligations Of the subsidized Housing Program for the Elderly was ignored.

4). On 6/06/2017, via Phone, Carson informed Janice Tune, Manager of the inaccurate Report Relied of from "Arkansas Power & Light", yet no corrective measures were taken. On 6/07/2017, A second Appeal were submitted to Independent Management Services, whom failed to conduct Any hearing or informal conference, or take corrective action to eviscerate the false Utility debt, Or reconsider the denial based on this false report.

5). The Defendants, Independent Management Services, are in charge of the overall Management of Eastview Terrace Apartments, and policies, as well as to ensure their compliance with HUD's Regulations For Low Income Tax Credits. Yet the Defendants refuse to adequately Supervise, and promote the Dissemination of false data over the Internet to its contractors, and subordinates illegally,(15 U.S.C. – 1681).

WHEREFORE, PREMISES CONSIDERED, Plaintiff Pray that Declaratory/Injunctive Order be issued That allows Due Process; Plaintiff Access to Elderly Supportive Housing; Damages of \$100,000 from Each Defendant; Cost of Court, and all else Relief this Court deem Equitable and Just under law.

Arthur Carson . Dated this 30th day of June, 2017.

Arthur Carson

I, Arthur Carson, swear the foregoing statements are true and correct, pursuant to 28 U.S.C. 1746,

Arthur Carson .
Arthur Carson
6200 Colonel Glenn Rd # 219
Little Rock AR 72204
(501-2403437)